

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO: 11-048</b>
<b>v.</b>	*	<b>SECTION: "F"</b>
<b>HENRY M. MOUTON</b>	*	<b>VIOLATION: 18 U.S.C. § 371</b>
		<b>18 U.S.C. § 666(a)(1)(B)</b>
	*	
	* * *	

**F A C T U A L   B A S I S**

Should this matter proceed to trial, both the government and the defendant, **HENRY M. MOUTON**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

In about 1996, **HENRY M. MOUTON**, organized an overnight duck hunting fundraiser for a former Louisiana governor. At this fundraiser, **MOUTON** met Co-conspirator "A" who was an attendee. Shortly thereafter, Co-conspirator "A" contacted **MOUTON** and offered to pay **MOUTON** \$2,000.00 a month and, in exchange, **MOUTON** agreed to provide Co-conspirator "A" with insider political information and access to the Governor. **MOUTON** did not register as a

lobbyist for Co-conspirator “A” or for any of his entities with the State of Louisiana. Co-conspirator “A” did not request **MOUTON** to register as a lobbyist with the State of Louisiana.

In January 2003, **MOUTON** was appointed by the Governor to serve as a Commissioner on the Louisiana Department of Wildlife and Fisheries Commission. The Louisiana Department of Wildlife and Fisheries (LDWF) is a state agency responsible for the management of Louisiana’s renewable resources including wildlife and aquatic life. The LDWF is an agency of the State of Louisiana that received federal assistance in excess of \$10,000.00 during each of the one year periods beginning on January 1st and ending on December 31st for the years 2003 - 2009. **MOUTON** became a public official upon his appointment as a Commissioner to the LDWF. In 2003, and during all times material herein, Co-conspirator “A” owned and operated landfill companies located in Southeast Louisiana. After **MOUTON**’s appointment as Commissioner to the LDWF, **MOUTON** became a more valuable asset to Co-conspirator “A” now that he was a state public official. Accordingly, on or about April 14, 2003, **MOUTON** received the first of approximately 180 illegal payoffs/bribes from Co-conspirator “A.”

**MOUTON** received hundreds of thousands of dollars in illegal bribes from Co-conspirator “A” during his appointment as Commissioner on the LDWF. Many of these bribes came from various companies owned and/or operated by Co-conspirator “A.” In return for these bribes, Co-conspirator “A” sought **MOUTON**’s participation in various illegal schemes. These illegal schemes included efforts to eliminate business competitors of Co-conspirator “A” as well as the funneling of illegal campaign contributions to state and federal election campaigns. As a public official, it was illegal for **MOUTON** to receive payments from Co-conspirator “A.”

### Old Gentilly Landfill Scheme

Shortly after Hurricane Katrina made landfall in August of 2005, Co-conspirator “A” and other Co-conspirators recognized the potential to obtain millions of dollars in revenue for the collection and disposal of storm debris from storm ravaged areas. The Federal Emergency Management Agency (FEMA) agreed to award and/or reimburse parishes in storm impacted areas for the costs associated with the collection and disposal of storm debris. A portion of these federal funds were eventually paid to Co-conspirator “A.”

Co-conspirator “A” conspired with **MOUTON** to shutter the competition. The plan was to eliminate the competition and increase the revenue of Co-conspirator “A” by increasing the amount of storm debris deposited in the landfills owned by Co-conspirator “A.” One such competitor was the Old Gentilly Landfill in New Orleans. Co-conspirator “A” devised a scheme that would exploit and utilize **MOUTON**’s appointed position as a public official and specifically his position and title as a Commissioner on the LDWF. It was agreed that **MOUTON** would assist Co-conspirator “A” in his secret efforts to close the Old Gentilly Landfill. Because **MOUTON**’s office could not directly close or deny an operational permit for the Old Gentilly Landfill, **MOUTON** and Co-conspirator “A” used the status and legitimacy of the office of the Commission of the LDWF to influence decision makers in an effort to close the Old Gentilly Landfill as well as other landfills. **MOUTON** received hundreds of thousands of dollars in illegal bribes from Co-conspirator “A” in return for these official acts as a Commissioner on the LDWF.

For example, acting on behalf of and at the direction of Co-conspirator “A”, **MOUTON** contacted numerous federal officials, on multiple occasions, and sought to convince these officials that the Old Gentilly Landfill and other landfills should remain closed and/or not be allowed to open.

These officials included 17 United States Senators, officials with the Environmental Protection Agency, United States Attorneys, Special Agents with the Federal Bureau of Investigation, officials with the U. S. Army Corps of Engineers, as well as members of the news media. Co-conspirator “A” wanted **MOUTON** to represent himself as a Commissioner on the State of Louisiana Department of Wildlife and Fisheries Commission when contacting these officials. Co-conspirator “A” and/or his employees acting under his direction, helped create a letterhead for **MOUTON** to use when contacting these officials. This letterhead highlighted **MOUTON**’s position as a Commissioner with the LDWF. In addition, Co-conspirator “A” helped author letters for **MOUTON** that discussed reasons, in detail, to support the closure of the Old Gentilly Landfill. Many of these letters written by Co-conspirator “A”, and mailed by **MOUTON**, discussed how the re-opening of the Old Gentilly Landfill would adversely impact wildlife and the environment. For example, in a five page letter addressed and mailed to United States Senator John W. Warner, Co-conspirator “A” had **MOUTON** write in part:

**HENRY M. MOUTON  
COMMISSIONER  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
P. O. BOX 53097  
LAFAYETTE, LA 70505-3097**

November 4, 2005

Senator John W. Warner  
United States Senate Committee on Environment & Public Works  
225 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Warner:

I am writing this letter to you as a member of the Louisiana Department of Wildlife & Fisheries. As a member of the

Commission, I believe I have some responsibility as a caretaker of the environment and fish and game in Louisiana. I am extremely concerned over the recent re-opening of an open dump in New Orleans, Louisiana, which was ordered closed approximately fifteen (15) years ago by the Louisiana Department of Environmental Quality ("LDEQ") because it was an imminent danger to the environment. This area is call the "Gentilly Dump."

In another five page letter written and mailed to an official with the Environmental Protection Agency, Enforcement Division, Co-conspirator "A" had **MOUTON** write in part:

**HENRY W.[sic] MOUTON**  
**Commissioner**  
**Louisiana Department of Wildlife and Fisheries**  
**Post Office Box 53097**  
**Lafayette, Louisiana 70505-3097**  
**Telephone: (337) 280-2616**  
**E-Mail: henrymouton@star-service.com**

November 10, 2005

Mr. Greg DeAtley  
Environmental Protection Agency  
Enforcement Division - Region Six 6PD-UC  
1445 Ross Avenue  
Dallas, Texas 752002[sic]

RE: Old Gentilly Landfill

Dear Greg:

Many thanks for taking my telephone call on Monday, November 7, 2005 relating to the Old Gentilly Landfill located in the eastern outskirts of the City of New Orleans. As a Commissioner of the Louisiana Department of Wildlife and Fisheries, I am deeply concerned over the disastrous environmental impact which the re-opening of this dump has visited upon this area and, in particular, the immediately adjacent wetlands.

Also, Co-conspirator "A" and/or his employees acting under his direction created labels for **MOUTON** to use when mailing letters written by Co-conspirator "A." Co-conspirator "A"

attempted to convince these officials to undertake some official action to close the Old Gentilly Landfill in New Orleans. Co-conspirator “A” highlighted **MOUTON**’s official state position in an effort to increase the likelihood that **MOUTON** would be successful in his endeavor to eliminate the competition of Co-conspirator “A.”

### **Two Rivers Recycling Landfill Scheme**

On or about May 8, 2006, Co-conspirator “A” had **MOUTON** write a letter to Members of the Rapides Parish Police Jury in Alexandria, Louisiana in an effort to prevent the permitting of the Two Rivers Recycling Landfill (Two Rivers) in Catahoula Parish. Co-conspirator “A” was concerned that his landfills would loose revenue if Two Rivers were allowed to open because storm debris from the New Orleans area would be diverted to Two Rivers in Catahoula Parish. In the May 8, 2006 letter, **MOUTON**, acting on behalf of Co-conspirator “A,” represented himself as a Commissioner on the State of Louisiana Department of Wildlife and Fisheries. In the letter, **MOUTON** sought to convince the members of the Rapides Parish Police Jury to oppose the permitting of Two Rivers and, specifically, to vote to oppose the landfill.

On or about August 16, 2006, Co-conspirator “A” paid **MOUTON** \$30,000.00 to hire an advertizing/public relations firm for the purpose of creating negative public opinion about Two Rivers. Acting on behalf of and at the direction of Co-conspirator “A,” **MOUTON** hired an advertizing/public relations firm located in Western Louisiana. Consequently, numerous advertisements, including several full page ads, were placed in newspapers in an effort to convince public officials and residents to oppose Two Rivers. It was further part of the scheme that none of the ads were attributed to Co-conspirator “A” or **MOUTON**. Ultimately, the permit for Two Rivers was denied.

It was further part of this illegal bribery scheme for **MOUTON** to conceal his relationship with Co-conspirator “A” and to conceal the fact that **MOUTON** was receiving illegal bribes from Co-conspirator “A.” Accordingly, **MOUTON** did not disclose to the officials he contacted in the Old Gentilly and Two Rivers schemes that he was receiving bribes from Co-conspirator “A” nor did **MOUTON** disclose that Co-conspirator “A” was a landfill owner who stood to benefit significantly from the closure of the Old Gentilly Landfill and from the denial of operational permits for other competitor landfills such as Two Rivers.

### **Illegal Campaign Contribution Scheme**

Co-conspirator “A” also enlisted **MOUTON** in a scheme to commit election fraud in order to further attempt to influence decision makers and to circumvent state and federal election laws. On or about April 24, 2006, **MOUTON** agreed to help Co-conspirator “A” make approximately \$11,000.00 in illegal campaign contributions to a U. S. Congressional candidate’s campaign. On or about April 24, 2006, Co-conspirator “A” had another co-conspirator write \$11,000.00 in checks to **MOUTON** and others known and unknown to the grand jury with the intention to make illegal campaign contributions to a federal election campaign. In addition, on or about December 27, 2006, **MOUTON** helped Co-conspirator “A” make an illegal campaign contribution to a state candidate. In both instances, Co-conspirator “A” used **MOUTON** and others so that the contributions would not be attributed to Co-conspirator “A.”

### **Summary of Bribes**

In addition to the monthly payoffs, Co-conspirator “A” bribed **MOUTON** with payments that, in some cases, were characterized as no interest loans. In reality, these loans were a sham; no interest or payments were ever collected or paid on these loans nor were any loan documents

executed. In other instances, Co-conspirator “A” reimbursed **MOUTON** for lavish fishing trips, meals, and gifts for other public officials. Co-conspirator “A” made the following payments to **MOUTON** among others:

DATE	AMOUNT
10/27/2003	\$12,000.00
12/24/2003	\$12,000.00
07/30/2004	\$18,000.00
02/10/2005	\$18,000.00
12/16/2005	\$18,000.00
01/03/2006	\$17,000.00
04/06/2006	\$5,000.00
04/07/2006	\$7,500.00
04/25/2006	\$4,400.00
04/27/2006	\$4,400.00
05/18/2006	\$3,882.14
06/30/2006	\$5,148.78
08/02/2006	\$18,250.00
08/16/2006	\$30,000.00
09/13/2006	\$17,040.10
09/13/2006	\$12,320.00
10/06/2006	\$16,500.00
10/12/2006	\$4,000.00
12/28/2006	\$10,000.00
09/14/2007	\$21,000.00
09/14/2007	\$4,000.00
12/24/2007	\$4,000.00



<b>DATE</b>	<b>AMOUNT</b>
12/26/2007	\$2,500.00
12/26/2007	\$2,500.00
12/26/2007	\$500.00

**MOUTON** resigned from his term as a Commissioner on the LDWF in November 2008 but Co-conspirator “A” continued to pay **MOUTON**, in an effort to conceal the illegal bribery scheme and election fraud. These illegal payments continued until attorneys working for Co-conspirator “A”, aware that Co-conspirator “A” was under federal investigation, decided that Co-conspirator “A” should discontinue the payments to **MOUTON**. In 2011, an attorney for Co-conspirator “A” contacted **MOUTON**’s attorney and advised that no further payments would be made to **MOUTON**.

From on or about April 14, 2003, to on or about January 2011, Co-conspirator “A” paid **MOUTON** hundreds of thousands of dollars in illegal bribes and payoffs.

#### **Limited Nature of Factual Basis**

This proffer of evidence is not intended to constitute a complete statement of all facts known by **MOUTON** and described by **MOUTON** to the government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose

of this factual basis is to demonstrate that there exists a sufficient legal basis for **MOUTON's** plea of guilty to the charged offense.

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HENRY M. MOUTON  
Defendant

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DATE

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MARY OLIVE PIERSON  
Counsel for Defendant

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DATE

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SALVADOR PERRICONE  
Assistant United States Attorney

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JAMES R. MANN  
Assistant United States Attorney

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BRIAN M. KLEBBA  
Assistant United States Attorney

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GREGORY KENNEDY  
Assistant United States Attorney

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DATE

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WILLIAM J. QUINLAN, JR.  
Assistant United States Attorney

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DATE